

Appln. Serial No. 09/715,787
Amendment Dated September 11, 2007
Reply to Office Action Mailed June 12, 2007

REMARKS

In the Office Action dated June 12, 2007, claims 1 and 3 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,426,980 (Gorday); claim 4 was rejected under § 103 over Gorday in view of U.S. Patent No. 6,134,230 (Olofsson); claim 13 was rejected under § 103 over Gorday in view of U.S. Patent Application Publication No. 2004/0062274 (Hakansson); and claims 34, 36, and 40 were rejected under § 103 over Gorday in view of U.S. Patent No. 6,072,787 (Hamalainen).

Applicant acknowledges the allowance of claims 5-12, 14-16, 18-29, 31-33, 37-39, and 41.

Independent claim 1 was rejected as being anticipated by Gorday. It is respectfully submitted that amended claim 1 is not disclosed by Gorday. Note that amended claim 1 recites receiving, by a system *from the particular mobile station* in a communications session over a wireless channel, a first set of speech data that has been interleaved by the particular mobile station according to a first algorithm over plural frames; and receiving, by the system *from the particular mobile station* in the communications session over the wireless channel, a second set of the speech data that has been interleaved *by the particular mobile station* according to a second algorithm over plural frames.

The Office Action identified the downlink call 34 from the base station to the mobile device 35 of Gorday as being the "communications session" of claim 1. Note, however, that according to amended claim 1, interleaved speech data is received *from the particular mobile station*, which refers to uplink communications. In the uplink direction, there is clearly no concept of performing two different algorithms for interleaving different sets of speech data. This difference is clearly illustrated in Fig. 16 of Gorday, which shows one embodiment of the mobile device 35 of Gorday, where I-channel processing and Q-channel processing (identified by the Office Action as being the first and second algorithms of claim 1) are performed in the *receive* or downlink direction (data received from the radio network by the mobile device 35). This corresponds to the downlink call 34 (depicted in Fig. 16, as well as in Fig. 1 of Gorday). There is no corresponding I-channel processing and Q-channel processing in the uplink direction, which is clearly illustrated in Fig. 20 of Gorday, which shows another embodiment of a mobile device 35. In the uplink direction (for producing uplink call 44 as depicted in Fig. 20 of

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Gorday), a transmitter 132 is coupled to a QAM modulator 124 for transmitting QAM modulated data in the uplink direction. The mobile device 35 of Gorday does not interleave different sets of speech data according to different algorithms when communicating in the uplink direction. Therefore, there is no system in Gorday that can receive first and second sets of speech data interleaved according to corresponding first and second algorithms by a mobile station.

In view of the foregoing, it is respectfully submitted that claim 1 is not anticipated by Gorday.

Claims dependent from claim 1 are also allowable. The obviousness rejection of dependent claims of claim 1 over Gorday and other references have been overcome in view of the allowability of base claim 1 over Gorday.

Independent claim 34 was rejected as being obvious over Gorday and Hamalainen. In view of the amendment of claim 34 to clarify that the tasks of claim 34 are performed by a mobile station, it is respectfully submitted that claim 34 is allowable over Gorday and Hamalainen. As noted above, Gorday discloses communication of I-channel processed and Q-channel processed data in the downlink direction. There is no corresponding interleaving, by a mobile station, of first and second speech traffic frames according to first and second algorithms, with the first and second interleaved speech traffic frames caused to be transmitted to the radio network, as recited in claim 34.

Hamalainen was cited by the Office Action as disclosing a half-rate mobile station. Note, however, that claim 34 does *not* recite a half-rate mobile station. In any event, Hamalainen does not disclose the claimed subject matter missing from Gorday. Thus, the hypothetical combination of Gorday and Hamalainen does not disclose or hint at all elements of claim 34. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 34.

Dependent claim 40, which depends from claim 34, is also allowable for at least the same reasons as base claim 34.

Independent claim 36 was also rejected as obvious over Gorday and Hamalainen. In view of the amendment of claim 36, it is respectfully submitted that claim 36 is also allowable over Gorday and Hamalainen for similar reasons as given above.

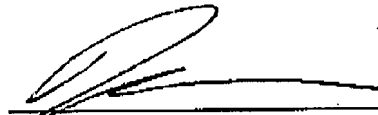
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In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0072US).

Respectfully submitted,

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